**HELEIN & ASSOCIATES, P. C.**
ATTORNEYS AT LAW

8180 GREENSBORO DRIVE
SUITE 700
MCLEAN, VA 22102

(703) 714-1300 (TELEPHONE)
(703) 714-1330 (FACSIMILE)

WRITER'S DIRECT DIAL NUMBER:

(703) 714-1301

RECEIVED
DEC 2 4 1996
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

December 23, 1996

RECEIVED
DEC 24 1996
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

**HAND DELIVERY**

DOCKET FILE COPY ORIGINAL

William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Re: In the Matter of Policy and Rules Concerning the Interstate, Interexchange Marketplace
CC Docket No. 96-61

Dear Mr. Caton:

On behalf of America's Carriers Telecommunication Association ("ACTA"), we transmit herewith an original and four (4) copies of their Supplemental Motion Supporting MCI Telecommunication Corporation's Motion For Stay Pending Judicial Review.

An additional copy of this letter and filing also is enclosed. Please date-stamp the extra copy and return it to the undersigned in the enclosed postage prepaid envelope.

Please direct all inquiries and correspondence with respect to this filing to the undersigned.

Very truly yours,
Ch HL (by HB)
Charles H. Helein
General Counsel
America's Carriers
Telecommunication Association

cc: William E. Kennard, Esquire
Regina Keeney

No. of Copies rec'd O+4
List ABCDE

**FEDERAL COMMUNICATIONS COMMISSION**
**Washington, D.C. 20554**

| | | |
|---|---|---|
| In The Matter of | ) | |
| | ) | |
| Policy and Rules Concerning the | ) | CC Docket No. 96-61 |
| Interstate, Interexchange Marketplace | ) | |
| | ) | |

# SUPPLEMENTAL MOTION SUPPORTING MCI TELECOMMUNICATIONS CORPORATION'S MOTION FOR STAY PENDING JUDICIAL REVIEW

## SUMMARY

America's Carriers Telecommunication Association ("ACTA") files a Motion In Support of MCI Telecommunication Corporation's ("MCI") Motion To Stay Pending Judicial Review of the Second Report and Order ("Second Report"), adopted October 31, 1996, and released November 22, 1996, 61 Fed. Reg. 59,340. MCI filed its Motion For Stay Pending Judicial Review on December 18, 1996.

ACTA files this Motion to supplement MCI's arguments as to why the Commission's Order should be stayed until the U.S. Court of Appeals for the D.C. Circuit has had the opportunity to pass on the Order's validity. The Order fails to properly consider the regulatory impact of mandatory detariffing on small businesses -- in this case, small interexchange carriers. Under the Regulatory Flexibility Act, the Commission is required to make a comprehensive analysis of its Orders with regard to small entities. The Commission's analysis pays lip service to the tremendously detrimental impact that detariffing will have on small entities, and undercuts the clear intent of the Telecommunications Act of 1996.

The Commission fails to heed the tremendously adverse effect that detariffing will have on small interexchange carriers, the stunting of competition that such a radical measure will effect, and the harming of consumers caused by the elimination of true choice in the marketplace. The Commission Order clearly should be stayed pending judicial review.

## TABLE OF CONTENTS

**FEDERAL COMMUNICATIONS COMMISSION**
**Washington, D.C. 20554**

| | | |
|---|---|---|
| In The Matter of | ) | |
| | ) | |
| Policy and Rules Concerning the Interstate, Interexchange Marketplace | ) | CC Docket No. 96-61 |
| | ) | |
| | ) | |

# SUPPLEMENTAL MOTION SUPPORTING MCI TELECOMMUNICATIONS CORPORATION'S MOTION FOR STAY PENDING JUDICIAL REVIEW

## INTRODUCTION

America's Carriers Telecommunication Association ("ACTA") hereby supports MCI Telecommunications Corporation's ("MCI") motion for a stay pending judicial review of the Second Report and Order ("Second Report") herein, adopted October 31, 1996, and released November 22, 1996, 61 Fed. Reg. 59,340. MCI filed its Motion For Stay Pending Judicial Review on December 18, 1996.

ACTA files this Motion to supplement MCI's arguments as to why the Commission's Order should be stayed until the U.S. Court of Appeals for the D.C. Circuit has had the opportunity to pass on the Order's validity. The Order fails to properly consider the regulatory impact of mandatory detariffing on small businesses -- in this case, small interexchange carriers. Under the Regulatory Flexibility Act, as amended by the Contract With America Advancement Act of 1996 (CWAAA), Public Law 104-121, 110 Stat. 847 (1996), the Commission is required to make a comprehensive analysis of its Orders with regard to small entities. The Commission's analysis pays lip service to the tremendously detrimental impact that detariffing will have on small entities, and undercuts the clear intent of the Telecommunications Act of 1996.

The Commission did conduct a cursory analysis of the effect of the Order on small entities, but its findings were arbitrary and capricious. The Commission found that detariffing will not harm small non-dominant interexchange carriers and would minimize regulatory burdens on all non-dominant interexchange carriers, including small entities. The Commission's findings clearly were in error.

More importantly, the Commission's detariff order openly undercuts the explicit congressional directive to protect the balance Congress crafted between promoting competition and minimizing impact on small entities. This is a balance that the Commission itself recognized was crucial to the 1996 Act. *See* Second Report, 61 FR at 59361 ("The objective of the rules adopted in this Order is to implement as quickly and effectively as possible the national telecommunications policies embodied in the 1996 Act and to promote the development of competitive, deregulated markets envisioned by Congress. In doing so, we are mindful of the balance that Congress struck between this goal of bringing the benefits of competition to all consumers and its concern for the impact of the 1996 Act on small business entities.")

The Commission, as we shall show below, virtually ignores the adverse impact of detariffing on small interexchange carriers. Moreover, their upsetting of the long-in-place tariff framework does not promote competition, but rather stunts it, and makes consumers more vulnerable in the marketplace.

**I. Small Carriers Will Suffer From Increased Liability Exposure.**

In its Second Report and Order, the FCC dismissed the immense significance of the protection afforded by the judicially-created "filed tariff" doctrine and standard limited liability provisions. The Order exposes small carriers to: compensatory and punitive damage claims, class action suits, abusive state enforcement actions and other litigation that will ruin small carriers' ability to operate profitably.

The Commission's Order considers none of these factors. Rather than giving a cogent examination and consideration of these factors, the Commission simply directs its attention to its preconceived determination and uses assumptions to bootstrap the results it set out to achieve. For example, the Commission makes no effort to examine the financial exposure of small carriers who no longer are able to limit their liability via tariffs. The Commission seems to invite class action suits and exhibits a thinly veiled contempt for carrier practices by trumpeting the "rights of consumers" (even though consumer groups sided with the IXC industry in this rulemaking). The Order also tacitly asks states to assert consumer laws overzealously.[1] The Commission made no effort to weigh the burden on small carriers, thus rendering them easy prey to everything from negative advertising about "no name companies" to media prejudice. Without a filed tariff, these existing competitive disadvantages that currently burden the competitive IXC industry will be exacerbated.

## II. Mandatory Detariffing Will Greatly Increase Transaction Costs for Small Carriers.

In the wake of the Commission's competitive carrier proceedings in the early '90s, AT&T created approximately 5,000 contract tariffs over a 4 year period. On average, AT&T was able to negotiate contracts at the rate of approximately 1,250 per year or 105 per month. A small carrier

[1] This is not a tidy world where consumers' interests and those of small interexchange carriers occupy mutually exclusive spheres. Regulations that cripple small carriers inhibit competition and create a hegemony of large players in the long distance market. The outcome is a return to the artificially high prices of yesteryear which hurt consumers where it hurts the most -- their pocketbook.

with 25,000 customers would need 20 years to renegotiate and obtain replacement contracts with its existing customer base. Even if it were assumed that because the customers were existing customers of the small carrier, it would take only half the time to negotiate a contract with a new customer, it would still take 10 years for the small carrier to renegotiate and conclude 25,000 contracts just to keep its existing customers.

If a small carrier is growing at the rate of 5% per year when mandatory detariffing takes effect, it would have to negotiate an additional 1,250 contracts per year, or about 105 more contracts each month in addition to the 1,250 contracts it would have to renegotiate with existing customers, just to keep pace with market demands.

If we assume a cost of sale of $1,000 per contract, a small carrier would incur expenses of $105,000 per month and $1,260,000 per year simply to handle the growth rate of customers at 5%. To this, one has to add the cost of renegotiating 210 contracts a month (assuming, for the sake of argument, that small carriers could move twice as fast as AT&T in renegotiating existing customers). This figure ups the costs of detariffing to $310,000 per month or $3,780,000 per year. Over 10 years, this small carrier could incur up to $37,800,000 in transactional costs. A small carrier with 25,000 customers grossing $6,000,000 per month and operating on a gross margin of 26% would eat up 20% of its gross margin simply to maintain its existing customer base and allow for 5% growth per year.

These figures do not reflect the added cost of administering thousands of contracts that small carriers do not now have to administer. New computer software, new personnel and new storage and retrieval facilities would be needed to track and retrieve each contract whenever any type of question arose.

The Commission's gratuitous statements that a form contract may be used finds no factual basis in the record. There is no evidence that form contracts do not impose significant costs to create, negotiate, execute and administer in any event. Even if a form contract were usable, industry experience with LOAs indicates obtaining a signature often proves impossible. Hence, there is no evidence that small carriers may successfully rely on form contracts, no matter how "abbreviated" the terms and conditions may be.

The Commission's reliance on the analogy of real estate contracts or credit card contracts is not relevant to the unique nature of the telecommunications industry. With credit card contracts, a user's liability is limited to $50 if the card is stolen or lost. Such a limitation of liability, makes it much easier for the public to accept the terms of the credit card issuer. Moreover, each time the credit card is used, authorization of that use, and therefore reverification of the contractual arrangement, is made by a signed credit card receipt or by some form of verbal authorization. Such procedures do not apply to a form contract for telecommunications. Small carriers cannot underwrite all charges on a customer's BTN or calling card above $50. Nor do users need to sign any receipts when using their telecommunication services each time. Nor is any user verification possible as with credit cards used over the telephone (such as obtaining address information, expiration dates, etc., before accepting a charge on the card).

## III. Competition Will Be Hurt by an Inability to Obtain Competitive Information In a Timely Fashion.

The Commission dismissed concerns that resellers will be disadvantaged by being deprived of necessary information on the discounts being made available by the largest carriers to their largest customers by stating that the large carriers will be required to disclose this information for the asking. The Commission is sticking its head in the sand and ignoring the consistent and numerous complaints resellers have lodged over their treatment by underlying carriers. Without such tariffs, it will be impossible to unearth the real terms and conditions of discount offerings for all that would be necessary is for the underlying carrier to deny the existence of any discount plan identical or similar to what the reseller is seeking. Resellers will not be able to obtain such information from large users who naturally will consider the discount offerings they receive as proprietary. Even if the reseller is finally successful in unearthing any relevant information, it will be obtained too late to be of competitive significance or will be after damages have already been incurred from the delay and expense required to force disclosure of the rates, terms and conditions. The Commission makes no effort to consider or address these issues in its main discussion or in its RFA analysis.

## IV. The Complaint Process Is Ineffective, Prohibitively Costly and Imposes Lengthy Periods of Uncertainties On Small Carriers Even With the New Five Month Deadline Because of Court Appeals.

The Commission consistently seeks to rely on its complaint process as a substitute for making tough policy decisions. The truth is that small carriers cannot effectively use the complaint process which does not work. Regardless of this history, the Commission makes no examination of the impact on small carriers forced to resort to the complaint process in a non-tariffed environment. Note too, that this environment is unprecedented. While non-dominant carriers were free not to file tariffs before the FCC's forbearance policies were declared unlawful, the fact was that AT&T did file tariffs as the dominant carrier and the other large carriers voluntarily did so as well. Hence, the filing of complaints was assisted by having tariffs to which to refer. Such will not be the case now, but the Commission makes no meaningful analysis of the different circumstances that now pertain.

## V. Certification Requirement Is Unworkable - Violates 5th Amendment Guarantees, Subjects Carriers to Unreasonable Risks of Liability.

The Commission's requirement to certify that the carrier has complied with the rate averaging and other requirements under criminal penalties fails to analyze the impact on small businesses arising from the potential constitutional issues of self-incrimination, the exposure to civil penalties arising from inadvertent and/or rogue agents non-compliance with such requirements, risks made all the more onerous because the small carrier will no longer have the protection of providing its people with a filed tariff and instructing them that they must strictly adhere to its terms.

## VI. The Filed Tariff System Serves The Interests of the Public

The paradigm contract in traditional contract law is that of a contract reached by two parties of equal bargaining power by a process of free negotiation. Farnsworth, *Contracts* § 4.26 (1982). In the telecommunications industry, however, a different type of contract has become more prevalent - that of the standardized tariff. The agreement is drafted by the carrier and assented to by the customer, often with no negotiation. The standard terms of the contract, often referred to as the "boilerplate", are not subject to bargain.

This standardization frequently serves the interest of both parties. Since the tariffs can be tailored to meet the needs of the drafter, and the typical customer served, the standard tariffs simplify operations and reduce costs. The standard form makes risks calculable and increases the real security which is the necessary basis of initiative and the assumption of tolerable risks.

The tariff is clearly a derivative of a standard form contract, but it is more particularized document designed to serve the specific nature of the telecommunications industry. A tariff strikes a balance between informing customers of particular service offerings and maintaining conformance to a uniform set of rules and regulations in a regulated industry. Form contracts are not particularly well-suited for the needs of the regulated telecommunications industry. They open the door for the discriminatory policies that created the need for tariffs in the first place. The Commission cannot have its cake and eat it, too. If the telecommunications industry continues to be subject to regulation in any form, tariffs are the most efficient and most direct way to effect such regulation.

There is fundamental *quid pro quo* in the transaction between the carrier and the end user. The carrier agrees to faithfully adhere to the terms of the tariff. In this way, the end user can know exactly what he/she is receiving, and under what terms. If the carrier deviates from the terms of the tariff, then the customer can file a complaint either with the F.C.C. or its state public utility commission. The end user is bound to pay the charges due and owing before pursuing any rights of redress. This framework strives to effect predictability in the exchange of services which leads to greater efficiency.

Detariffing will upset this balance by eliminating the tariff as the situs of the interaction of the millions of consumers and the hundreds of carriers. Tariffs will be replaced by millions of standard form agreements which are inherently more susceptible to discrimination, distortion and misrepresentation. Deregulation in this case is an invitation to chaos -- both in a regulatory sense and an economic sense.

Tariffs further two important public policies, ones that have been affirmed and re-affirmed by courts of every jurisdiction for years. First, is the policy of nondiscrimination. Carriers are precluded under the filed tariff doctrine of giving special deals to special customers. Each customer has the choice of the full panoply of service options. Nondiscrimination in the proffering of services is a statutorily vested right of consumers that will be virtually written out of the statute through detariffing. Second, is the economy of scale effected by these standardized tariffs that is vital to the telecommunications industry. Carriers are able to incorporate into their tariffs the terms and conditions of the telecommunications services they offer. This will serve as the bedrock of the agreements they forge with their various customers. The carriers are spared the task of having to negotiate individual contracts with each customer. Both sides win out because this reduces the operations costs of the carrier, and allows them to produce a reasonably priced product. Each side can also adequately conceptualize the risks involved based on the existing language of the tariff. The ultimate beneficiary of this reining in of costs is the consumer who benefits from cheaper prices.

## VII. The Order Should Be Stayed

MCI has clearly shown that the Second Report and Order should be stayed under the governing standard. The Commission's violation of the Regulatroy Flexibility Act provides an even more persuasive justification for an immediate stay of the Order.

First, movants will clearly prevail on the merits. The Commission not only clearly exceeds the bounds of its statutory authoirty, as MCI argues, but it contravenes a direct statutory prescription by failing to properly account for impact of small inter-exchange carriers. The Commission's actions have the de facto effect of repealing the Regulatory Flexibility Act in the area of telecommunications and eviscerating the balance crafted by the Telecommunications Act of 1996.

The irreparable harm to small inter-exchange carriers is devastating. The price of detariffing will fall disproportionately on small carriers, as the above analysis showed.

Detariffing will so heighten transactional costs for carriers that only a few will survive, thereby returning the industry to one dominated by a handful of players. The Commission will effectively undercut in one Order what took years of judicial and legislative action to effect -- competition. The larger carriers such as AT&T and MCI have the economies of scale to weather the finanical costs of detariffing, but small carriers do not have the resources and profit margins to do the same. Subsequent judicial correction of the Commission's actions cannot make whole those companies who would have suffered the tremendous economic burden of individually negotiating contracts. Moreover, there will be no resurrection in store for those companies that were unable to continue operating due to the changed calculus effected by detariffing.

A stay will not cause any harm to other parties. A stay would only mean the perpetuation of a system that has been in place for years, and has worked for want of better alternatives. The industry can continue as is until a determination is made as to the arbitraty and capricious nature of the Commission's actions. A stay can only benefit all parties involved. The consumers surely will not suffer. They will continue to have at their disposal the tariffs of their carriers spelling out the service offerings. They will also benefit from the preservation of a vibrant, robust marketplace filled with carriers big and small.

The public interest will clearly benefit from a stay. The Commission is proposing a radical elimination of a system that for the most part has worked. Before such a rash action is taken, a considered judgment should be made of the propriety of the Commission's actions. A review of the reality of the telecommunications industry will show that the tariff system promotes competition and a diverse marketplace filled with small carriers. This system produces competitive prices and discourages discrimination. The beneficiaries of such a system is the public at large -- the consumers who purchase the services and partake of a market filled with true alternatives.

The Commission is tinkering with a system that may not be flawless, but is the most effective way of balancing the interests of the consumers and the carriers. There is no need for such a radical restructuring of a system that has been in place for years. Moreover, the transactional costs involved in transforming the industry into a detariffed industry are exorbitant, and this price will be disproportionately borne by small carriers and consumers. The Commission, in an effort to lighten its load, is pursuing a policy that flouts the intent of Congress in that it does not protect consumers nor promote competition, and endangers the viability of small carriers. For these reasons, ACTA supports MCI in their Motion to stay the Second Report and Order.

Respectfully submitted,

Charles H. Helein
General Counsel for Petitioner
America's Carriers
Telecommunication Association

Of Counsel:
Robert M. McDowell
Harisha J. Bastiampillai
HELEIN & ASSOCIATES, P.C.
8180 Greensboro Drive
Suite 700
McLean, Virginia 22102
Telephone: (703) 714-1300
Facsimile: (703) 714-1330
Dated: December 24, 1996

Certificate of Service

I, Shelbee Moore, a secretary in the law firm of Helein & Associates, P.C. do hereby certify that on this 24th ~~23rd~~ day of December, 1996, copies of the foregoing document were delivered by first-class, postage pre-paid mail upon the following:

See Attached Service List

Shelbee Moore

ITS*
1919 M Street, NW
Room 214
Washington, DC 20054

Gary L. Phillips
Counsel for Ameritech
1401 H Street, NW
Suite 1020
Washington, DC 20005

Edward Shakin
Counsel for Bell Atlantic
Telephone Companies
1320 North Courthouse Road
Eighth Floor
Arlington, VA 22201

John F. Beasley
William B. Barfield
Jim O'Llewellyn
1155 Peachtree Street, NE
Suite 1800
Atlanta, GA 30309-2641

Charles P. Featherstun
David G. Richards
1133 21st Street, NW
Washington, DC 20036

Campbell L. Ayling
Donald C. Rowe
The NYNEX Telephone Companies
1111 Westchester Avenue
White Plains, NY 10604

Marlin D. Ard
John W. Bogy
Pacific Telesis Group
140 New Montgomery Street
Room 1530-A
San Francisco, CA 94105

Margaret E. Garber
Pacific Telesis Group
1275 Pennsylvania Avenue, NW
Washington, DC 20004

James D. Ellis
Robert M. Lynch
David F. Brown
SBC Communications, Inc.
175 East Houston
Room 1254
San Antonio, TX 78205

S. Joseph Dorr
Vice President
American Computer and
Electronics Corporation
209 Perry Parkway
Gaitherburg, MD 20877

Eileen Seidowitz
President
Audits Unlimited, Inc.
139-15 83rd Avenue
Briarwood, NY 11435

Stuart Zimmerman
General Manager
Fone Saver, LLC
733 Summer Street
Suite 306
Stamford, CT 06901-1019

Dr. Robert Self
Market Dynamics
4641 Montgomery Avenue
Suite 515
Bethesda, MD 20814-3488

Michael Greenspan
MBG
370 Lexington Avenue
New York, NY 10017

Robert L. Boxer
Vice President,
Corporate Counsel
MOSCOM Corporation
3750 Monroe Avenue
Pittsford, NY 14534

John Abernathy, Director
Network Analysis Center, Inc.
45 Executive Drive
Suite GL3
Plainview, NY 11803

William B. Goddard
President
Telecommunications
Information Services
4613 West Chester Pike
Newtown Square, PA 19073

Cheryl A. Tritt
Joan E. Neal
Morrison & Foerster, LLP
2000 Pennsylvania Avenue, NW
Suite 5500
Washington, DC 20006

William H. Welling
Chairman, CEO
XIOX Corporation
577 Airport Boulevard
Suite 700
Burlingame, CA 94010

Bradley Stillman
1424 16th Street, NW
Suite 604
Washington, DC 20036
Counsel for Consumer
Federation of America

Aliceann Vohlbruck
Executive Director
National Association of
Development Organizations
444 North Capitol Street, NW
Suite 630
Washington, DC 20001

John Crump
Executive Director
National Bar Association
1225 11th Street, NW
Washington, DC 20001-4217

Samuel A. Simon
Counsel for Telecommunications
Research and Action Center
901 15th Street, NW
Suite 230
Washington, DC 20005

Albert H. Kramer
Robert F. Aldrich
Dickstein, Shapiro & Morin, LLP
2101 L Street, NW
Washington, D.C. 20037-1526
Counsel for American Public
Communications Council

Jeffrey A. Campbell
Manager
Federal Government Affairs
Compaq Computer Corporation
1300 I Street, NW
Suite 490E
Washington, DC 20005

Robert A. Mazer
Albert Shuldiner
Vinson & Elkins
1455 Pennsylvania Avenue, NW
Washington, DC 20004-1008

John W. Pettit
Sue W. Bladek
Richard J. Arsenault
Drinker, Biddle & Reath
901 15th Street, NW
Washington, DC 20005

Herbert H. Marks
Jonathan Jacob Nadler
Squire, Sanders & Dempsey
1201 Pennsylvania Avenue, NW
Washington, DC 20044

Emil C. Hewitt
General Counsel
Vincent L. Crivella
General Services Administration
18th and F Streets, NW
Room 4002
Washington, DC 20405

Carl Wayne Smith
Chief Regulatory Counsel,
Telecommunications, DoD
Defense Information
Systems Agency
701 South Courthouse Road
Arlington, VA 22204

Charles H. Helein
General Counsel
Helein & Associates, PC
8180 Greensboro Drive
Suite 700
McLean, VA 22102

Glenn S. Richards
Stephen J. Berman
Fisher, Wayland, Cooper,
Leader & Zaragoza, LLP
2001 Pennsylvania Avenue, NW
Suite 400
Washington, DC 20006

Lon C. Levin
Vice President and
Regulatory Counsel
AMSC Subsidiary Corporation
10802 Park Ridge Boulevard
Reston, VA 22091

Mark C. Rosenblum
Roy E. Hoffinger
AT&T Corporation
295 North Maple Avenue
Room 3244J1
Basking Ridge, NJ 07920

Cheryl Lynn Schneider
Joan M. Griffin
BT North America, Inc.
North Building
601 Pennsylvania Avenue, NW
Suite 725
Washington, DC 20004

Mark P. Sievers
William B. Wilhelm, Jr.
Swidler & Berlin, Chtd.
3000 K Street, NW
Suite 300
Washington, DC 20007

Ann P. Morton
Cable & Wireless, Inc.
8219 Leesburg Pike
Vienna, VA 22182

Danny E. Adams
Edward A. Yorkgitis, Jr.
Kelley, Drye & Warren
1200 19th Street, NW
Washington, DC 20036
Counsel for Cable &
Wireless, Inc.

Natalie Marine-Street
Telco Communications Group, Inc.
Long Distance Wholesale Club
4219 Lafayette Center Drive
Chantilly, VA 22021

Michael G. Hoffman
Vartec Telecom, Inc.
3200 West Pleasant Run Road
Lancaster, TX 75146

Genevieve Morelli
Executive Vice President
and General Counsel
Competitive Telecommunications
Association
1900 M Street, NW/Suite 800
Washington, DC 20036

Dana Frix
Morton J. Posner
Swidler & Berlin, Chtd.
3000 K Street, NW/Suite 300
Washington, DC 20007
Counsel for Eastern
Telephone Systems

Thomas K. Crowe
Michael B. Adams, Jr.
Law Offices of Thomas K.
Crowe, P.C.
2300 M Street, NW
Suite 800
Washington, DC 20037

Michael J. Shortley, III
Senior Attorney
Frontier Corporation
180 South Clinton Avenue
Rochester, NY 14646-0700

Kathy L. Shobert
Director, Federal Affairs
General Communications, Inc.
901 15th Street, NW
Suite 900
Washington, DC 20005

Robert J. Aamoth
Jonathan E. Canis
Reed, Smith, Shaw & McClay
1301 K Street, NW
Suite 1100 - East Tower
Washington, DC 20005

Lee M. Weiner
Douglas W. Kinkoph
LCI International Telecom Corp.
8180 Greensboro Drive
Suite 800
McLean, VA 22102

Catherine R. Sloan
Richard L. Fruchterman
Richard S. Whitt
WorldCom, Inc.-d/b/a LDDS WorldCom
1120 Connecticut Avenue, NW
Suite 400
Washington, DC 20036

Andrew D. Lipman
Erin M. Reilly
Swidler & Berlin, Chtd.
3000 K Street, NW
Suite 300
Washington, DC 20007

Susan Drombetta
Manager - Rates and Tariffs
Scherers Communications
Group, Inc.
575 Sherers Court
Worthington, OH 43085

Leon M. Kestenbaum
Jay C. Keighley
Sprint Corporation
1850 M Street, NW
11th Floor
Washington, DC 20036

Charles C. Hunter
Hunter & Mow, PC
1620 I Street, NW
Suite 701
Washington, DC 20006
Counsel for Telecommunications Resellers Association

Helen E. Disenhaus
Kathy L. Cooper
Swidler & Berlin, Chtd.
3000 K Street, NW
Suite 300
Washington, DC 20007

Wayne V. Black
C. Douglas Jarrett
Susan M. Hafeli
Keller and Heckman
1001 G Street, NW
Suite 500 West
Washington, DC 20001

Charlene Vanlier
Capital Cities/ABC, Inc.
21 Dupont Circle
6th Floor
Washington, DC 20036

Howard Monderer
National Broadcasting Company, Inc.
1299 Pennsylvania Avenue, NW
11th Floor
Washington, DC 20004

Mary McDermott
Linda Kent
Charles D. Cosson
United States Telephone Association
1401 H Street, NW/Suite 600
Washington, DC 20005

Wayne Leighton, Ph.D.
James Gattuso
Citizens For A Sound Economy Foundation
1250 H Street, NW
Suite 700
Washington, DC 20005

William H. Smith, Jr.
Chief, Bureau of Rate and Safety Evaluation
Iowa Utilities Board
Lucas State Office Building
Des Moines, IA 50319

Gail L. Polivy
GTE Service Corporation
1850 M Street, NW
Suite 1200
Washington, DC 20036

Lawrence C. St. Blanc
Louisiana Public
Service Commission
Post Office Box 91154
Baton Rouge, LA 70821-9154

Eric Witte
Missouri Public Service
Commission
Post Office Box 360
Jefferson City, MO 65102

Paul Rodgers
General Counsel
National Association
of Regulatory
1102 ICC Building
Post Office Box 684
Washington, DC 20044

Robert S. Tongren
Consumers' Counsel
Office of the Ohio
Consumers' Counsel
77 South High Street
15th Floor
Columbus, OH 43266-0550

Philip F. McClelland
Assistant Consumer Advocate
Office of Attorney General
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Alan Kohler
Assistant Counsel
Counsel for Pennsylvania
Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17105-3265

Betty Montgomery
Attorney General of Ohio
The Public Utilities
Commission of Ohio
180 East Broad Street
Columbus, OH 43215-3793

John W. Katz
Special Counsel to the Governor
Director, State-Federal Relations
Office of the State of Alaska
444 North Capitol Street, NW
Suite 336
Washington, DC 20001

Rodney L. Joyce
Ginsburg, Feldman and Bress
1250 Connecticut Avenue, NW
Washington, DC 20036
Counsel for Ad Hoc
Coalition of Corporate
Telecommunications Managers

Ellen G. Block
James S. Blaszak
Henry D. Levine
Levine, Blaszak, Block & Boothby
1300 Connecticut Avenue, NW
Suite 500
Washington, DC 20036-1703

Bettye Gardner
President
The Association for the
Study of Afro-American
Life and History, Inc.
1407 14th Street, NW
Washington, DC 20005-3704

Winston R. Pittman
President
Chrysler Minority
Dealer Association
27777 Franklin Road
Southfield, MI 48034

Joseph P. Markoski
Marc Berejka
Squire, Sanders & Dempsey
1201 Pennsylvania Avenue, NW
Post Office Box 407
Washington, DC 20044

Earl Pace
Founder & Chair,
Legislative Committee
Black Data Processing Association
1250 Connecticut Avenue, NW
Suite 600
Washington, DC 20036

Jeffrey L. Sheldon,
General Counsel
Sean A. Stokes
UTC
1140 Connecticut Avenue, NW
Suite 1140
Washington, DC 20036